

A bill to be entitled "An Act to authorize the Financial Agent of the Penitentiary to appoint a person to examine the books and papers of that institution and report thereon, and for other purposes."

W. M. NEYLAND.

Chairman Committee on Engrossed Bills.

Upon motion of Senator Record, the Senate adjourned until to-morrow morning 10 o'clock.

SENATE CHAMBER, }
Sept. 25, 1866.

Senate met, pursuant to adjournment.

Prayer by the Chaplain.

Roll called—quorum present.

Journal of yesterday read and adopted.

Senator Foscue, Chairman of Committee on Education, reports and recommends the passage of a bill to incorporate Oakland College.

Also reports and recommends the passage of a bill to prohibit the sale of ardent or spirituous liquors within five miles of Oakland College.

Senator McDade, Chairman of Committee on Land Office, reports and recommends the passage of House bill, requiring county clerks to take charge of the records of county surveyor's office in certain cases.

Senator Coppedge, Chairman of Committee on Counties and County Boundaries, reports and recommends the passage of House bill to change the eastern boundary line of Medina and western boundary line of Bexar counties.

Senator Neyland, Chairman of Committee on Engrossed Bills, reported that said committee have examined and found correctly engrossed a bill to be entitled "An Act to confirm the grants of land to the Washington County Railroad Company."

Senator Yarbrow made the following report:

Hon. R. H. Guinn, President pro tem. of the Senate:

The Committee on Commerce and Manufactures, to whom was referred a bill to provide for the organization of joint stock companies for works of internal improvement, &c.

The committee have instructed me to report the bill back to the Senate and recommend that it be referred to the Committee on Judiciary.

J. C. YARBROW, Chairman.

Senator Parker, Chairman of Committee on Enrolled Bills,

reported correctly enrolled and presented to the Governor for his approval, "A bill to incorporate the Brownsville Bridge Company."

Also, "A Bill to incorporate the Rio Grande Railroad Company."

Senator Yarbrow, Chairman of Committee on Commerce and Manufactures, reports and recommends the passage of a bill to incorporate the Planters' and Mechanics' Manufacturing Company.

Upon motion of Senator McDade, the rule was suspended and the planters' and mechanics' bill taken up, read second time and ordered to be engrossed, and upon motion of Senator McDade the rule further suspended, bill read third time and passed by the following two-thirds vote:

YEAS--Senators Braswell, Blount, Boyd, Brown, Bumpass, Cook, Coppedge, Foscue, Guinn, Jowers, Lane, Littleton, McDade, Nelson, Neyland, Parker, Randolph, Record, Reed, Saufley, Shannon, Shelley, Stell, Truitt and Yarbrow--25.

NAYS--None.

Upon motion of Senator Brown, Senator Stell was excused on account of sickness.

Upon motion of Senator Parker, Senator Lane was excused for three weeks from Sunday next.

Senator Record, Chairman of Committee on Judiciary, reported, recommending the passage of a House bill No. 69, "To authorize the Police Courts for the several counties in the State to levy and collect a special tax."

Also reports and recommends the passage of the following bills:

A bill to be entitled "An Act to provide for the punishment of persons for tampering with, persuading or enticing away, harboring, feeding or secreting, laborers or apprentices under contract of service to other persons."

A bill to be entitled "An Act to prevent trespasses,"

And a bill to be entitled "An Act to prohibit the carrying of firearms on premises or plantations of any citizen, without the consent of the owner."

Also reported, recommending the passage of a substitute in lieu of a House bill No. 20, entitled "An Act regulating contracts for labor."

Also reported, recommending the adoption of the substitute in lieu of an original bill entitled "An Act to repeal art. 1703, sec. 10, and art. 1704, sec. 11, Oldham & White's digest civil statutes, approved Feb. 5, 1840."

Also made the following report:

Hon. G. W. Jones, President of the Senate:

The Judiciary Committee, to whom was referred the House bill entitled "An Act to amend an act entitled an act to legalize certain marriages, and to provide for the celebration of marriages, and for other purposes, approved June 5, 1837," have had the same under consideration, and a majority of the committee have instructed me to report the bill back to the Senate, with the following amendments, and when so amended to recommend its passage:

Amend by striking out the word "fourteen" and inserting "sixteen." in section 1.

Also, in same section, strike out "twelve" and insert "fourteen."

J. K. P. RECORD, Chairman.

Also, made the following report:

Hon. G. W. Jones, President of the Senate:

The Judiciary Committee, to whom was referred "An Act to revive the incorporation of the town of Linden, in Denton county," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage, with the following amendment:

Amend section 3 by inserting after the word "thereof," in line 5, the following, "by posting notices of said election in at least three public places in said town."

Also, amend section 7 by inserting after the word "thereof," in line 5, the words, "by posting notices of said election in at least three public places in said town."

J. K. P. RECORD, Chairman.

Also reported, recommending the passage of a bill to be entitled "An Act to amend article 545, chapter 1, title 5, of an act entitled an act to establish a code of criminal procedure, approved August 26, 1856."

Also reported, recommending the passage of a House bill to be entitled "An Act to amend an act to organize Justices' Courts, passed March 20, 1848."

Also, reported back a House bill to amend the 57th section of an act entitled "An Act to regulate the proceedings in the County Court, pertaining to estates of deceased persons, passed March 20, 1848," and recommend that it be not passed, for the reason that Senate has a bill of same character under consideration.

Also, reported back House bill to incorporate Woodland College, and recommended its passage, with the following amend-

ment: In caption, after the word "college," insert the words, "and to prevent the sale of spirituous liquors within three miles thereof."

Senator Jowers, one of the Committee on State Affairs, reported back and recommended the passage of a bill to incorporate the town of Pilot Point, in Denton county.

Senator Cook, Chairman of Select Committee to examine into the condition of the Lunatic Asylum, made the following report, which was referred to Committee on Finance:

To the President of the Senate :

The Special Committee appointed upon the part of the Senate to act in conjunction with a similar committee upon the part of the House, whose duty it was to visit the State Lunatic Asylum, and to examine and report upon its management and condition, and to lay before the Legislature the result of their investigations, have performed the duty devolved upon them, and instruct me to report as follows :

The institution appeared to be in a prosperous condition, and apparently in successful fulfillment of the beneficent purposes for which it was founded. The grounds and inclosures surrounding the building exhibit marks of care and preservation. The books of the Superintendent are well kept, and show with great distinctness everything of interest connected with the management, history and financial condition of the institution, as well as a personal history of each patient so far as the facts are known.

The report of the Superintendent has been for some time in possession of the Senate, being one of the documents accompanying the message of His Excellency the Governor. This report was exhibited to the committee, and contains a very full and satisfactory statement of the operations of the institution during the past twelve months. The attention of the Senate is respectfully directed to that report, as its more detailed and extended recitals will supply the omission of many interesting statements which can not be embodied in this brief report from the committee.

The institution appeared to be crowded to its full capacity, and it is believed that in a few years, unless enlarged, the Asylum will not be able to contain the additional patients. In view of the financial embarrassments of the State, your committee are not prepared to recommend that an additional structure be erected; but it would certainly conduce greatly to comfort and convenience, and add very largely to the capacity of the institution if a building could be erected upon the grounds

for the accommodation of the superintendent and his family, and the apartments now used for that purpose be converted into wards for patients. The importance of this suggestion will become more and more manifest year by year, and we trust that it may be improved upon when the State shall be in a more prosperous condition.

But there is one additional structure that is urgently needed; we refer to a building adjacent to the present one, for the reception of insane negroes.

The superintendent informed your committee that he has had, within the past year, several applications for the admission of lunatic negroes into the Asylum. As the law did not originally contemplate the admission of such persons, the superintendent has heretofore felt bound to refuse such patients. But the changed state of this class of unfortunates, and the withdrawal from them of a master's home, care and protection, makes it a public duty, founded both upon motives of policy and humanity, to provide for them. Your committee are therefore of the opinion, and have accordingly instructed me to recommend that the sum of ——— dollars be set apart out of the public treasury, to be expended under the direction of the Board of Managers, in the erection of a plain, substantial house, in the convenient neighborhood of the present Asylum, for the reception and accommodation of insane persons of the African race; and that such patients be put under the rules of restraint and control, and that such regulations be adopted by the superintendent as will prevent the intermingling of the two races.

From facts placed before them, the committee are of the opinion that the pipes and sewers leading from the water-closets are exceedingly defective, and their condition calls at once for speedy remedy. This is highly important for the health of the institution, and longer delay may result in serious consequences. The committee therefore instruct me to recommend that the sum of ——— dollars be set apart out of the public treasury, to be expended under the direction of the Board of Managers, in making the much needed alterations and improvements.

The roof of the building is much complained of by the superintendent, and he informed your committee that when heavy rains prevail, many of the wards are flooded with water, and that the highest floors are, upon such occasions, quite uninhabitable.

Your committee were not, of course, able from their own observations, to form any opinion of the nature and character of the defects complained of. But having full confidence in the

accuracy of the statements made by the superintendent, the committee have agreed to recommend that the sum of ——— dollars be set apart out of the public treasury for the purpose of repairing the roof of the main building.

The superintendent urges upon the committee the propriety of establishing upon the Asylum grounds some facilities for gymnastic exercises for the benefit of the health and amusement of the patients. Without entering into a discussion of the question as to whether lunatics as a class can be systematically restored to sanity or usefulness as members of society—a question upon which learned men are much divided in opinion—your committee are, nevertheless, of the opinion that this suggestion of the superintendent is an excellent one, and we think that a few hundred dollars might be well expended for carrying his views into effect.

The committee were gratified to observe that the unfortunate lunatics appeared to regard the superintendent with feelings of affection and respect. There was none of that expression of fear and distrust so often exhibited by insane people towards those who exercise the management and control over them. On the contrary, the patients at the Asylum thronged around the superintendent while the committee were examining the wards, seeming to regard him as a friend and benefactor; thus evidencing to our minds that so far, at least, as the superintendent was concerned, the insane people had been treated with kindness and humanity.

There are other matters concerning which the committee might make suggestions, but the able and elaborate report of the superintendent is again referred to as containing all that is desirable to be known as to the past history of the institution.

Respectfully submitted,

R. V. COOK, Chr'n Senate Com.

Senator Foscue moved to take up the bill to incorporate the Galveston and Houston Wharf and Press Company.

Motion lost.

Upon motion of Senator Record, the following bills were taken up, out of their order:

House bill regulating contracts for labor, with substitute recommended by Judiciary Committee.

Substitute adopted.

Senator Bumpass moved to amend the 10th section as follows:

Strike out the words "unless by special contract."

The yeas and nays being called, the amendment was made by the following vote:

YEAS—Senators Braswell, Blount, Bumpass, Cooley, Copledge, Guinn, Jowers, Lane, Littleton, Nelson, Parker, Randolph, Reed, Shelley and Truitt—15.

NAYS—Senators Boyd, Brown, Cook, Neyland, Record, Saufley, Shannon and Yarbro—8.

Bill as amended read second time and passed to a third reading; rule suspended, read third time and passed.

Senate bill to prohibit the carrying of firearms on premises or plantations of any citizen without the consent of the owner.

Read first time; rule suspended, read second time and ordered to be engrossed; rule further suspended, read third time and passed.

Senate bill to prevent trespasses, taken up and read first time.

Upon motion of Senator Randolph, the word "inclosed" was inserted before the word "farm" in first section.

Bill as amended read second time and ordered to be engrossed; rule suspended, read third time and passed.

Senate bill to provide for the punishment of persons for tampering with, persuading or enticing away, harboring, feeding or secreting laborers, or apprentices, or for employing laborers or apprentices, under contract of service to other persons.

Read second time and ordered to be engrossed; rule suspended, read third time and passed.

Upon motion of Senator Record a House bill entitled "An Act establishing a general apprentice law," was taken up, read and referred to Judiciary Committee.

Senator Foscue introduced a bill to incorporate the Galveston Bay Bridge Company.

Read first time and referred to Committee on Internal Improvements.

Senator Blount introduced a bill to amend Article 701, of "An Act to adopt and establish a Penal Code for the State of Texas."

Read first time and referred to Judiciary Committee.

Senator Braswell introduced a bill to amend "An Act incorporating the town of Mount Pleasant, in Titus county."

Read first time and referred to Committee on State Affairs.

Upon motion of Senator Blount, bill to incorporate Pilot Point was taken up, read second time and ordered to be engrossed; rule suspended, read third time and passed.

Senator Record moved to take up the Wharf and Press Company bill.

Carried, read second time and ordered to a third reading.

Upon motion of Senator McDade, the rule was suspended, read third time and passed by the following two-third vote :

YEAS—Senators Braswell, Blount, Boyd, Brown, Bumpass, Cook, Coppedge, Dalrymple, Foscue, Guinn, Jowers, Littleton, McDade, Nelson, Parker, Randolph, Record, Reed, Saufley, Shannon, Shelley, Truitt and Yarbrow—23.

Upon motion of Senator Saufley, a bill to incorporate the Texas Iron and Marble Manufacturing Company was taken up, read second time and ordered to be engrossed.

Upon motion of Senator Yarbrow, the rule was suspended, read third time and passed by the following two-third vote :

YEAS—Senators Braswell, Blount, Brown, Bumpass, Cook, Coppedge, Dalrymple, Foscue, Guinn, Jowers, Littleton, McDade, Nelson, Parker, Randolph, Record, Reed, Saufley, Shannon, Truitt and Yarbrow—21.

NAYS—Senator Cooley—1.

Senator Shannon moved to take up a bill to incorporate Oakland College.

Carried, bill read second time and ordered to be engrossed; rule suspended, read third time and passed by the following two-third vote :

YEAS—Senators Braswell, Blount, Boyd, Brown, Bumpass, Cook, Cooley, Coppedge, Dalrymple, Foscue, Guinn, Jowers, Littleton, McDade, Nelson, Parker, Randolph, Record, Reed, Saufley, Shannon, Shelley, Truitt and Yarbrow—24.

Senator Shannon also moved to take up a bill prohibiting the sale of spirituous liquors within five miles of Oakland College.

Carried, bill read second time and ordered to be engrossed; rule suspended, bill read third time and passed.

Upon motion of Senator Dalrymple, the House bill to incorporate the town of Cameron was taken up, amendments reported by the committee, made.

Bill as amended read and ordered to third reading; rule suspended, bill read third time and passed.

Upon motion of Senator Shelley, bill for the relief of Thos. McGehee was taken up, and upon motion of Senator Foscue the preamble was stricken out.

Bill as amended read second time and ordered to be engrossed; rule suspended, bill read third time and passed by the following two-third vote :

YEAS—Senators Braswell, Blount, Boyd, Brown, Bumpass,

Cook, Coppedge, Foscue, Jowers, Littleton, McDade, Nelson, Neyland, Parker, Randolph, Record, Reed, Saufley, Shelley, Truitt and Yarbrow—21.

NAYS—Senator Guinn—1.

Message was received from the House, announcing the passage of the following bills, viz :

Senate bill changing the boundaries of the city of Austin.

Senate bill for the regulation of pilots.

Senate bill to incorporate the Brazos Bridge Company.

Senate bill to prohibit the sale or otherwise disposing of spirituous or other intoxicating liquors within six miles of Salado College.

Senate bill to incorporate the town of Denton, in Denton county.

Senate bill for the relief of the Eastern Texas Railroad Company, with amendment by the House.

Senate bill to authorize James E. Harrison, Senior, to erect a toll bridge over Tehuacana creek, in the county of McLennan, Texas, with amendment by the House.

House bill establishing a General Apprentice Law, and defining the obligations of master or mistress, and apprentice.

House bill to incorporate the Texas Navigation Company.

House bill to incorporate the Houston and Galveston Wharf and Press Company.

On motion of Senator Shelley, the question upon the reconsideration of the vote engrossing a bill for the relief of debtors in certain cases, and the vote indefinitely postponing the amendment offered by Senator Bumpass, was laid upon the table.

On motion of Senator Shelley, Senate bill to incorporate the Henderson, Marshall and Jefferson Railroad Company, was taken up, and amendments recommended by Committee on Internal Improvements, made.

On motion of Senator Saufley, the following names were inserted after the name of J. W. Flanagan in 1st section, viz :

John C. Murphy, W. M. Harrison, B. J. Terry, A. J. Bateman, Bass Nichols, N. A. Bergie, R. P. Crump, and J. H. Pratt.

Bill as amended, read second time, and ordered to be engrossed; rule suspended, read third time and passed by the following two-thirds vote :

YEAS—Senators, Braswell, Blount, Boyd, Brown, Bumpass, Cook, Coppedge, Foscue, Guinn, Jowers, Littleton, McDade, Nelson, Neyland, Parker, Randolph, Record, Reed, Saufley, Shannon, Shelley, Truitt and Yarbrow—23.

On motion of Senator Bumpass, the following bills were taken up out of their order.

A bill granting a charter to Robt. A. Rike and E. Dobson to build a toll bridge across Pilot Grove Creek, on the direct road leading from McKinney to Greenville, by Farmersville, in Collin county, with substitute recommended by the committee, taken up, substitute adopted.

Bill read second time and ordered to be engrossed; rule suspended, read third time and passed by the following two-thirds vote :

YEAS—Senators Braswell, Blount, Boyd, Brown, Bumpass, Cook, Cooley, Coppedge, Dalrymple, Foscue, Guinn, Jowers, Littleton, McDade, Nelson, Neyland, Randolph, Record, Reed, Saufley, Shannon, Shelley, Truitt and Yarbrow—24.

NAYS—None.

A bill granting a charter to James Farris, to build a toll bridge across the East Fork of Trinity River, on the direct road leading from McKinney to Greenville, by Farmersville, in Collin county.

Read second time and ordered to be engrossed.

Rule suspended, read third time and passed by the following two-thirds vote :

YEAS—Senators Braswell, Blount, Boyd, Brown, Bumpass, Cooley, Coppedge, Dalrymple, Foscue, Guinn, Jowers, Littleton, McDade, Nelson, Parker, Randolph, Record, Reed, Shannon, Shelley, Truitt and Yarbrow—22.

NAYS—None.

A bill to grant a charter to A. Reece, to build a toll bridge across Sister Grove creek.

Bill read second time and ordered to be engrossed.

Rule suspended, read third time and passed by the following two-thirds vote :

YEAS—Senators Braswell, Blount, Boyd, Brown, Bumpass, Cook, Cooley, Coppedge, Dalrymple, Foscue, Guinn, Jowers, Littleton, McDade, Nelson, Neyland, Parker, Randolph, Record, Reed, Saufley, Shannon, Shelley, Truitt and Yarbrow—25.

NAYS—None.

Upon motion of Senator Reed, a bill to incorporate the Western Texas Colonial Land and Emigration Company, was taken up, amendments recommended by Committee on State Affairs, made.

Bill as amended, read second time and ordered to be engrossed.

Rule suspended, read third time and passed by the following two-thirds vote :

YEAS—Senators Braswell, Blount, Boyd, Brown, Cook,

Cooley, Dalrymple, Jowers, Littleton, McDade, Nelson, Neyland, Parker, Randolph, Record, Reed, Saufley, Shannon, Shelley, Truitt and Yarbrow—21.

NAYS—Senators Bumpass, Foscué and Guinn—3.

Upon motion of Senator Braswell, House bill to incorporate the town of Clarksville, in Red River county, on its second reading, taken up, read and passed to a third reading.

Rules suspended, read third time and passed.

Upon motion of Senator Jowers, Senate bill further providing for the introduction of evidence in criminal cases, taken up and read second time.

Pending consideration of the bill, upon motion of Senator Parker, the Senate adjourned until to-morrow morning, at 9½ o'clock.

SENATE CHAMBER, }
Sept. 26, 1866. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Roll called—quorum present.

Journal of yesterday read and adopted.

Senator Record reported and recommended the passage of a bill to authorize the Judge of the Eighth Judicial District to hold a special term of the District Court in Davis county.

Also reports :

Hon. G. W. Jones, President of Senate :

The Judiciary Committee to whom was referred a bill to be entitled "An Act supplementary to and amendatory of an act entitled an act concerning divorce and alimony," approved Jan. 6th, 1841, have had the same under consideration, and a majority instruct me to report the same back with the following amendments, and when so amended recommend its passage :

Strike out in the caption, in the second line from the top, "and amendatory of."

Strike out Section 1, and change Section 2 to Section 1.

J. K. P. RECORD, Chairman.

Also reports :

Hon. G. W. Jones, President of Senate :

The Judiciary Committee, to whom was referred a bill to be entitled "An Act to amend the 67th and 68th Sections of an act entitled an act to regulate proceedings in the District Court," passed May 13th, 1846, have had the same under consideration, and have instructed me to report the bill back to the Senate,